

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,	)	
	)	
Plaintiff,	)	C.A. No. 21-1015 (JLH)
	)	
v.	)	
	)	
SAREPTA THERAPEUTICS, INC.,	)	
	)	<b>PUBLIC VERSION</b>
Defendant.	)	
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SAREPTA THERAPEUTICS, INC. and THE	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	<b>Confidential Version Filed: January 26, 2024</b>
	)	<b>Public Version Filed: February 2, 2024</b>
Defendant/Counter-Plaintiffs,	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD.	)	
and NS PHARMA, INC.	)	
	)	
Plaintiff/Counter-Defendants.	)	

**DECLARATION OF MEGAN E. DELLINGER IN SUPPORT OF SAREPTA  
THERAPEUTICS, INC. AND THE UNIVERSITY OF WESTERN AUSTRALIA'S  
REPLIES TO THEIR MOTIONS FOR SUMMARY JUDGMENT AND MOTIONS TO  
EXCLUDE CERTAIN OPINIONS AND TESTIMONY OF  
PLAINTIFF/COUNTER-DEFENDANTS' EXPERTS**

I, Megan E. Dellinger, hereby declare as follows:

1. I am an attorney at the law firm of Morris, Nichols, Arsht & Tunnell LLP and counsel for Defendant/Counter-Plaintiffs Sarepta Therapeutics, Inc. ("Sarepta") and The University of Western Australia ("UWA") in the above-referenced matter adverse to Nippon Shinyaku Co., Ltd. and NS Pharma, Inc. (collectively, "NS").

2. Attached as Exhibit 1 is a true and accurate copy of excerpts of the deposition transcript of Nathan W. Luedtke, Ph.D., dated November 15, 2023.

[REDACTED]

3. Attached as Exhibit 2 is a true and accurate copy of excerpts of the deposition transcript of Sue Fletcher, dated September 27, 2023.

4. Attached as Exhibit 3 is a true and accurate copy of excerpts of the deposition transcript of Amy Mandragouras, dated July 27, 2023.

5. Attached as Exhibit 4 is a true and accurate copy of excerpts of the deposition transcript of Gardner Gendron, dated July 11, 2023.

6. Attached as Exhibit 5 is a true and accurate copy of excerpts of the deposition transcript of Abbie Ann Marie Adams, dated August 25, 2023.

7. Attached as Exhibit 6 is a true and accurate copy of excerpts of the deposition transcript of Stephen D. Wilton, Ph.D., dated June 15, 2023.

8. Attached as Exhibit 7 is a true and accurate copy of excerpts of the deposition transcript of Masaya Toda, dated June 28, 2023.

9. Attached as Exhibit 8 is a true and accurate copy of a document introduced as Exhibit 1 in the June 15, 2023 deposition of Stephen D. Wilton, Ph.D.

10. Attached as Exhibit 9 is a true and accurate copy of a document produced by Sarepta, bearing Bates numbers SRPT-VYDS-0223211 – SRPT-VYDS-0223214, and introduced as [REDACTED] the June 28-29, 2023 deposition of Masaya Toda.

11. Attached as Exhibit 10 is a true and accurate copy of a Japanese translation of Exhibit 9 (Bates numbers SRPT-VYDS-0223211 – SRPT-VYDS-0223214), introduced as [REDACTED] in the June 28-29, 2023 deposition of Masaya Toda.

12. Attached as Exhibit 11 is a true and accurate copy of a document produced by Sarepta, bearing Bates numbers SRPT-VYDS-0228972 – SRPT-VYDS-0228975.



13. Attached as Exhibit 12 is a true and accurate copy of excerpts of *EIS, Inc. v. WOW Tech. Int'l*, Case No. 19-cv-01227-GBW, Pretrial Conference Tr. (D. Del. Sept. 5, 2023).

14. Attached as Exhibit 13 is a true and accurate copy of excerpts of the prosecution history for U.S. Patent Application No. 15/274,772 produced by Sarepta, bearing Bates numbers SRPT-VYDS-0091229 – SRPT-VYDS-0094251.

15. Attached as Exhibit 14 is a true and accurate copy of excerpts of the prosecution history for U.S. Patent Application No. 14/740,097 produced by Sarepta, bearing Bates numbers SRPT-VYDS-0123193 – SRPT-VYDS-0130129.

16. Attached as Exhibit 15 is a true and accurate copy of excerpts of the prosecution history for U.S. Patent Application No. 13/741,150 produced by Sarepta, bearing Bates numbers SRPT-VYDS-0130130 – SRPT-VYDS-0150693.

17. Complete copies of any excerpted documents identified above will be provided to the Court upon request.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 26th day of January 2024.

*/s/ Megan E. Dellinger*

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Megan E. Dellinger (#5739)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 26, 2024, upon the following in the manner indicated:

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*/s/ Megan E. Dellinger*

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Megan E. Dellinger (#5739)